

THE HONORABLE LAUREN KING

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALEXANDRA KATHARINA WAHLFELD,

Petitioner,

vs.

WILLIAM BERRY WAHLFELD.

Respondent.

No. 2:24-cv-01899-LK

SETTLEMENT AGREEMENT AND
~~{PROPOSED}~~ ORDER

I. PARTIES AND DEFINITIONS

1. “Petitioner” refers to Petitioner Alexandra Katharina Wahlfeld.
2. “Respondent” refers to Respondent William Berry Wahlfeld.
3. Except as otherwise stated, “Court” and “the Court” refer to the United States District Court for the Western District of Washington.
4. “J.W.W.” refers to the minor son of Petitioner and Respondent.

II. STIPULATION AND AGREEMENT

Contingent on the Court’s approval of this stipulated agreement and the proposed order below, the parties hereby stipulate and agree as follows:

1 5. On November 18, 2024, Petitioner filed a complaint in this Court challenging
2 J.W.W.'s wrongful retention under the Hague Convention on the Civil Aspects of International
3 Child Abduction ("Hague Convention") and the International Child Abduction Remedies Act
4 ("ICARA"), 22 U.S.C. § 9001 *et. seq.*

5 6. J.W.W. is a dual citizen and national of Germany and the United States of
6 America. J.W.W. is currently physically located within the Western District of Washington.
7 J.W.W. was born in Germany in 2019 and lived in Germany for the first five years of his life.
8 J.W.W. is and was fully acclimated to life in Germany, and received and will receive his
9 education and medical treatment there.

10 7. The parties agree that Germany is J.W.W.'s "habitual residence" for purposes
11 of ICARA and the Hague Convention.

12 8. The parties agree that this Court has personal jurisdiction over J.W.W.,
13 Petitioner, and Respondent.

14 9. Prior to J.W.W.'s temporary relocation to the United States, the parties were
15 engaged in separation proceedings in the District Court of Böblingen, Germany (Ref. No. 13
16 F 992/20). On August 20, 2020, the parties entered a settlement agreement in the German
17 court regarding J.W.W.'s custody and care (the "German agreement"). Nothing in this
18 agreement shall be construed as affecting the force or validity of the German agreement.

19 10. The parties agree that J.W.W. should return to Germany and that German courts
20 are the proper forum for custody proceedings regarding J.W.W.

21 11. Within 24 hours of the approval and entry of this agreement and order by the
22 Court, if J.W.W. is in Respondent's custody, Respondent will return J.W.W. to Petitioner's
23 custody at a police station in the City of Kirkland. The exact time will be agreed upon by the
24 parties through text messages.

25 12. The parties shall move to dismiss, vacate, or both, any pending civil case or
26 order in Washington State Superior Court in and for the County of King within three court

1 days of J.W.W.'s return to Petitioner's custody, including, but not limited to, any custody,
2 divorce, or civil protection order proceedings in Washington State Superior Court in and for
3 the County of King. This specifically includes, but is not limited to, the following cases: No.
4 24-2-06834-1 SEA, No. 24-3-02465-8 SEA, and No. 24-3-02264-7 SEA.

5 13. Respondent is the complaining witness in a misdemeanor criminal action
6 brought against Petitioner in the Kirkland Municipal Court (Case No. 4A0297596) but no
7 longer wishes the prosecution of Petitioner to continue. Within seven days of the approval and
8 entry of this agreement by the Court, Respondent will inform the assigned prosecutor for the
9 City of Kirkland that he does not want to see Petitioner prosecuted. Respondent will provide
10 a copy of that communication to Petitioner's counsel. The parties understand and agree that
11 the ultimate exercise of prosecutorial discretion remains with the prosecutor. Nothing in this
12 agreement shall be construed as interfering with any person's obligation to provide evidence
13 where required by law.

14 14. In order to facilitate the fastest return of J.W.W. to Germany, and to avoid any
15 potential incidents between the parties, J.W.W. will remain in Petitioner's custody until
16 Petitioner returns to Germany. Within 30 days of the dismissal or vacatur of all state court
17 orders that restrict Petitioner's travel or J.W.W.'s travel, Petitioner shall return to Germany
18 with J.W.W. Should Petitioner fail to return to Germany, such failure shall constitute grounds
19 for the reinstatement of any state court proceedings dismissed, vacated, or both, pursuant to
20 this agreement.

21 15. Any further custody proceedings regarding J.W.W. will occur in a German
22 court.

23 16. Upon the return of J.W.W. and both parties to Germany, the parties will comply
24 with the German agreement until further order of a German court.

1 17. If a state court refuses to dismiss an action or order upon request, or a party
2 fails to comply with Paragraph 12, either party may seek an order from this Court that vacates
3 the state court order. *See Holder v. Holder*, 305 F.3d 854, 865 (9th Cir. 2002).

4 18. Each party shall bear his or her own costs and fees, and Petitioner waives her
5 right to seek recovery of costs and fees under 22 U.S.C. § 9007(b), except:

6 a. Within 15 days of the approval and entry of this agreement and order,
7 Respondent shall reimburse Petitioner for expenses associated with the
8 return of J.W.W. and Petitioner in the amount of \$5,000 U.S. dollars by
9 delivery of a check for this amount to Petitioner's counsel's office in
10 Seattle.

11 b. With respect to property in the apartment located at 13104 116th Ct. NE
12 Apt. 105, Kirkland, Washington, Respondent and Petitioner agree as
13 follows:

14 i. The furniture will be donated to a charity of Petitioner's choice,
15 but Respondent is not responsible for removing it. If the charity
16 rejects the donation or Petitioner is unable to have the furniture
17 picked up, Respondent may donate or dispose of it as he sees fit.
18 Respondent shall have at least 24 hours notice of pickup by a
19 charitable organization, to occur between 09:00-17:00 on any
20 day of the week. Notice shall come from Petitioner via text
21 message or through her counsel.

22 ii. The key to Petitioner's German apartment, her clothing, and
23 J.W.W.'s toys and other effects shall be returned to Petitioner.

24 iii. In the event of a breach of this agreement, the prevailing party
25 shall be entitled to recover reasonable costs and fees that would
26

have otherwise been available under applicable state and federal law.

19. Petitioner may retrieve the child's passports from the Clerk of the Court.

20. Both parties retain the right to petition this Court for further orders to enforce the terms of this agreement.


21. Within 24 hours of J.W.W. and Petitioner's arrival in Germany, Petitioner's counsel will notify Respondent's counsel.

22. After J.W.W. has returned to Germany and the terms of this agreement have been fully complied with, the parties will jointly move to dismiss this case.

Dated this 13th day of February, 2025.

WECHSLER BECKER LLP

BRYAN CAVE LEIGHTON PAISNER LLP

By: 
Amir John Showrai, WSBA #34351

Attorney for Respondent William B. Wahlfeld

By: /s/ Farron D. Curry
Farron D. Curry, WSBA #40559
Elliott Averett, *admitted pro hac vice*
Theresa Marraccino, *admitted pro hac vice*
Attorneys for Petitioner Alexandra K. Wahlfeld

III. FINDINGS AND ORDER

The Court hereby finds and orders as follows:

23. The Court has jurisdiction under 22 U.S.C. 9003(a).

24. The Court FINDS and DECLARES that:

- a. J.W.W.'s habitual residence for purposes of ICARA and the Hague Convention is Germany, not the United States.
- b. Germany is the proper forum for custody proceedings regarding J.W.W.

- 1 c. The Court has authority to vacate civil state court custody orders where
2 necessary to enforce the Hague Convention and ICARA. *Holder v.*
3 *Holder*, 305 F.3d 854, 865 (9th Cir. 2002).

4 25. Pursuant to the Court's authority under 22 U.S.C. §§ 9003, 9004, and 9007 the
5 Court hereby ORDERS as follows:

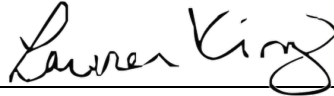
- 6 a. Notwithstanding any order entered by any court in Washington State,
7 Respondent shall return J.W.W. to Petitioner's custody within 24 hours
8 of entry of this order at a police station in the City of Kirkland, with the
9 exact time to be determined by the parties.
- 10 b. The Clerk of Court shall return J.W.W.'s passports and all other legal
11 documents to the Petitioner.
- 12 c. Within three court days of J.W.W.'s return to Petitioner's custody, the
13 parties shall move to dismiss or vacate any civil state court action or
14 order that is inconsistent with the terms of this agreement and order.
- 15 d. The parties may petition this Court to vacate a state court order if
16 necessary to enforce this agreement.
- 17 e. Within 30 days of the dismissal or vacatur of all state court orders that
18 restrict J.W.W.'s or Petitioner's movement, Petitioner shall return to
19 Germany with J.W.W.
- 20 f. Within 15 days of this Order, Respondent shall pay Petitioner \$5,000
21 U.S. dollars by check to be delivered to the office of her attorney in
22 Seattle.

23 26. The Court shall retain personal jurisdiction over the parties to enforce the terms
24 of this agreement and order until further order of the Court.

25 27. Upon filing of a stipulated motion to dismiss signed by both parties, the Court
26 will dismiss this case.

28. All previously ordered briefing deadlines, *see* ECF No. 67, are hereby
STRICKEN as moot.

Done this 18th day of February, 2025.




THE HONORABLE LAUREN KING

Jointly presented by:

WECHSLER BECKER LLP

BRYAN CAVE LEIGHTON PAISNER LLP

By: 
Amir John Showrai, WSBA #34351

*Attorney for Respondent William B.
Wahlfeld*

By: /s/ Farron D. Curry
Farron D. Curry, WSBA #40559
Elliott Averett, *admitted pro hac vice*
Theresa Marraccino, *admitted pro hac vice*

Attorneys for Petitioner Alexandra K. Wahlfeld